

REMARKS

This application has been amended so as to place it in condition for allowance at the time of the next Official Action. The Official Action objects to claim 9 based on the recitation of the analyzer without sufficient antecedent basis. Applicant has amended claim 9 to remove such reference, and reconsideration and withdrawal of this rejection are therefore respectfully requested.

The Official Action rejects claim 5 under 35 U.S.C. 112, second paragraph as being indefinite for recitation of "parametric X-radiation."

Applicant suggests that it is well known to those of skill in the art that parametric X Radiation is (PXR) is emitted when a relativistic charged particle goes through a single crystal. The energy and the emission angle of emitted x ray should satisfy the Bragg's law:  $\lambda = 2d \sin(\theta_B)$ . This definition is widely available from any current source that discusses types of X radiation.

The known definition is more than specific enough to meet the requirement for definiteness under U.S. patent practice. Reconsideration and withdrawal of this rejection are therefore respectfully requested.

The Official Action rejects claims 16 and 20 under 35 U.S.C. 112, first paragraph as failing to comply with the enablement

requirement. Reconsideration and withdrawal of this rejection are respectfully requested for the following reasons:

Underlying this rejection is the assertion by the Official Action that the disclosure fails to teach how to process several phase contrast images to form an overall phase contrast image and how to process several phase contrast images to form a phase contrast computer tomogram.

The law underlying the enablement requirement requires the consideration of the level of one of skill in the art. The burden placed upon the applicant is not to provide sufficient disclosure so that any person can make or use the invention. Rather, the burden is much more constrained, in that it compels the applicant to provide sufficient teaching to allow one who is already skilled in the art to which the invention pertains to make or use the invention.

The novelty and nonobviousness of the present invention is not based on upon the features specifically recited by claims 16 and 20. This is because the practice of processing several phase contrast images into an overall phase contrast image is known. Reconsideration and withdrawal of this rejection are therefore respectfully requested.

The Official Action rejects claims 1-20 under 35 U.S.C. 103(a) as being unpatentable over the Wilkins et al. article, already of record. Reconsideration and withdrawal of this rejection are respectfully requested for the following reasons:

At the outset, applicant notes that the rejection of twenty claims appears to take into consideration only the features recited in claim 1. For this reason at least, the Official Action clearly fails to make a *prima facie* case for obviousness of the full set of rejected claims.

Moreover, applicant has amended claim 1 to incorporate the features originally recited by claim 2, namely the feature that the X-ray source has a line-shaped focus. Claim 3 depends from claim 1 and further requires that a longitudinal extension of the line-shaped focus be aligned in the direction towards the object. This runs entirely contrary to the specific teachings of the applied reference, which require that the X-ray source be dot-shaped. The Wilkins et al. approach requires that the source be as small as possible. The combination of point shape and small dimension are relied upon by the Wilson et al. approach to achieve coherent X-rays. These features are all discussed on page 336 of the reference.

The further implication of these features of the Wilson et al. approach is the effect that lessening the dimensions of the dot source necessarily lowers the power output of the X-rays. However, irrespective of that implication, the reference necessarily fails to offer any teaching or suggestion whatsoever of the full set of features now recited in claim 1, and even more so in connection with claim 1 and 3 considered together.

Applicant notes that the present amendment merely amounts to the shifting of recitations from claim 2 to claim 1, the net effect of which is to give claim 1 breadth identical to that of claim 2, now cancelled. As a consequence, such amendment does not, in itself, necessitate further search and/or consideration. Accordingly, there exists no reason to deny entry of the present amendment after final rejection.

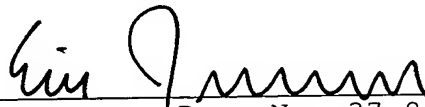
In light of the amendments provided above and the arguments offered in support thereof, applicant believes that the present application is in condition for allowance, and an early indication of the same is respectfully requested.

If the Examiner has any questions or requires further clarification of any of the above points, the Examiner may contact the undersigned attorney so that this application may continue to be expeditiously advanced.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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